

Appl. No. 09/813,636
Amdt. dated May 5, 2005
Reply to Office Action of February 10, 2005

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REMARKS/ARGUMENTS

The claims are modified in the amendment. More specifically, claims 1 and 7 have been amended; claims 13-18 have been cancelled; and new claims 19-24 have been added. Therefore, claims 1-12, and 19-24 are present for examination. No new matter is added by these amendments. Applicant respectfully requests reconsideration of this application as amended.

35 CFR 1.75(c) Objection

The Office Action has objected to claim 2 under 35 CFR 1.75(c), as being of improper dependent form for failing to further limit claim 1. Claim 2 depends from claim 1, and further comprises "a step of attributing overhead expenses to the organization as a whole." This clearly is more limiting than claim 1. As the Published Specification points out in [0016], information could be input for the organization *or* individual personnel or systems. Claim 2 requires that certain overhead expenses be attributed to the organization as a whole, which would exclude individual personnel, for example, and thus is more limiting.

35 U.S.C. §101 Rejection

The Office Action has rejected claims 1-6, and 7-12 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Both of the remaining independent claims, 1 and 7 produce a useful result, to wit, claim 1 and 7 are each methods for "generating a forward-looking report." These claims are not drawn to abstract ideas, but to tangible and concrete ideas related to the production of a tangible result. Examples cited in the Published Specification include a head count report, a multi-year projection, and an activity-based costing report. Clearly, processes related to the creation of a forward-looking report are within the realm of the technological arts and produce a tangible result.

MPEP §2106(II)(A) requires Office personnel to put forth a *prima facie* case that "the claimed invention as a whole is directed to solely an abstract idea or to a manipulation of

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abstract ideas or does not produce a useful result." Further, this section requires the Office personnel to "expressly state how the language of the claims has been interpreted to support the rejection." Should this rejection be maintained, the Applicants respectfully request a *prima facie* case be put forth with express statements on how the claim language is interpreted.

35 U.S.C. §103 Rejection, Morgan et al.

The Office Action has rejected claims 1-6, and 7-12 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 5,799,286 to Morgan et al. (hereinafter "Morgan"). The patent office (the "Office") is charged with putting forth a *prima facie* showing of obviousness. Applicants believe a *prima facie* case of obviousness has not been properly set forth in the final Office Action. The basic test is excerpted below:

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP §2143, Original Eighth Edition, August, 2001, Latest Revision May 2004.

Applicant believes the rejection has a number of flaws within the above test, but will focus on the third prong as outlined below.

Teachings Missing from the Cited References

With regard to the third prong of the test, Applicant believes the cited sections of Morgan do not, either alone or in combination, teach or suggest the invention in the claims. As will become evident in the discussion below, Morgan teaches a backward facing "Activity-Based Management System." The forward looking modeling that is taught by the claims in this application is quite different than Morgan.

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More specifically, Morgan does not teach or suggest: (1) receiving task entries based on *defined* types of *future* action, as required by claims 1-6, 7-12, and 19-24; (2) receiving resource entries relating to *resources* assumed to be available in the *future*, as required by claims 1-6, 7-12, and 19-24, (3) receiving mapping information that shows a *projected* relationship between *each* of the task entries and the plurality of resource entries, as required by claims 1-6, 7-12, and 19-24, or, (4) processing the above information as required by claims 1-6, 7-12, and 19-24. For at least these reasons, Applicants respectfully request for reconsideration of the rejection to the claims.

(1) Task Entries

The Office Action cites the following from Morgan as the equivalent of a task entry in claims 1-6, 7-12, and 19-24:

"input on a workstation 40 through a graphical user interface (GUI) 42. The type of information *entered by the user* in this manner may include, for example, an *identification* of employees in specific management organizations, *employee activity* information, equipment and space utilization" (Morgan col. 3, line 65 - col. 4, line 2, emphasis added)

Morgan clearly teaches that an *employee or manager* will input backward looking information related to the "time spent" (Morgan, col. 21, line 31, claim 1) on an activity by "people." (Morgan, col. 21, line 32, claim 1) This information will merely attribute *actual* employee time *in the past* to certain activities.

Claims 1-6, 7-12, and 19-24 each dictate something very different. The claims explicitly call for receiving task entries based on *defined* types of *future* action. Instead of looking backward, the tasks constitute various components which may be combined in different ways to accomplish a variety of different activities. This distinction is illustrated by examples cited in the Published Specification at [0016], which include research, cold calls, and follow up letters. The task entries are generic components of action that can be combined to complete different activities in the future. This information can then be used to create forward looking

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business models. This is different than Morgan, which looks backward to *specific* tasks that have *already occurred*.

(2) Resource Entries:

The Office Action cites the following from Morgan as the equivalent of a resource entry in claims 1-6, 7-12, and 19-24:

employees in specific management organizations, employee activity information, equipment and space utilization information, and product information. Details of the automated system input and the user input are set forth below. (Morgan col. 4, lines 1-4)

Morgan clearly teaches that backward looking information regarding the "utilization information related to ... facilities and equipment" (Morgan, col. 21, line 31, claim 1) when time is "spent" (Morgan, col. 21, line 32, claim 1) on an activity. This information merely attributes *actual, past* facility and equipment use to certain activities.

Claims 1-6, 7-12, and 19-24 each dictate something very different. They call for receiving resource entries based on *defined* types of *future* use. Instead of looking backward, the resources constitute various resource components that may be used in different combinations to accomplish certain tasks. The claims indicate that resource entries include personnel and non-personnel systems (see Published Specification [0027]-[0028]. These are generic resource components that may be used in different combinations in the future to accomplish different tasks. This information can then be used to create forward looking business models. This is different than Morgan, which looks backward to *specific* resource use that has *already occurred*.

(3) Mapping:

The Office Action cites the following from Morgan as the equivalent of mapping in claims 1-6, 7-12, and 19-24:

"the traditional general ledger view of a computer network operation business unit maps the money spent to salaries, hardware, software, maintenance, and space. The activity-based management view maps these same expenditures to activities such as network surveillance, network testing, technical assistance, problem

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resolution, vendor interaction, and configuration changes ..." (Morgan col. 4, lines 21-24)

Morgan clearly dictates a mapping that will tie *past* activities to *past* expenditures with a finer granularity than traditional ledger systems. The Office Action also illustrates that the mapping in Morgan will occur in a relational database. (Morgan col. 2, lines 5-25)

The mapping described in claims 1-6, 7-12, and 19-24 dictates something entirely different. Instead, the mapping in the claims calls for future defined tasks to be tied to the future resources (personnel and non-personnel) that will be needed to accomplish them. This information can then be used to create and modify forward looking business models on a far more dynamic basis. This is very different than the mapping of past employee activity with used resources.

(4) Processing:

The Office Action cites the relational database (Morgan, Fig.1 (12)) from Morgan as the equivalent of processing in claims 1-6, 7-12, and 19-24. It thus appears that the Office, in again citing the relational database, believes that the mapping step and the processing step are alike. However, these steps are clearly distinguishable in the claims.

The processing described in claims 1-6, 7-12, and 19-24 dictates something entirely different from the mapping step. Once the tasks are mapped to the resources necessary to complete them in the mapping step, the processing step formulates different forward looking models based on the specific tasks to be completed. This forward looking model provides for dynamic modeling based on inputs related to the tasks to be completed. It allows for the modeling of different activity levels and different activities based on the tasks selected.

CONCLUSION

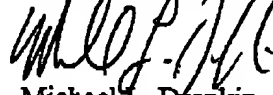
In view foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

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If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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